

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1585



Introduced by

HON. YEDDA MARIE K. ROMUALDEZ
and
HON. JUDE A. ACIDRE

AN ACT
TO STRENGTHEN THE ROLE OF PRIVATE BASIC EDUCATION IN THE PHILIPPINES BY CREATING FOR THE PURPOSE THE PARTNERSHIP IN PRIVATE EDUCATION BOARD, AND THE PARTNERSHIP FUND FOR PRIVATE EDUCATION, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This bill seeks to enhance the partnership between the government and the private institutions in addressing the gap in relation to the educational system in the Philippines.

While the national government has been extending assistance to private educational institutions through the Government Assistance to Students and Teachers in Private Education (GASTPE) Act, much is still needed to be done to avert the exodus of students and teachers in private schools to public schools. This has led to the closure of many private institutions, further widening the gap in the educational system in the country.

This bill upholds the competitive neutrality and the Constitutional complementarity in education to bring about legislations that will help private educational institutions by keeping them afloat. This includes expanding the Teachers Salary Subsidy (TSS) of teachers in private schools to a substantial

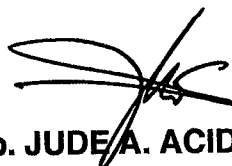
amount closer to the salaries of public school teachers, as well as the student vouchers and scholarship grants to poor but deserving students in private schools, among others.

It is the responsibility of the State to provide basic elementary and secondary education and that of the most effective partners in bringing this about is to improve access to quality education by decongesting public schools. This can only be done by giving more support to private schools given their valuable contribution to education.

In view of the foregoing, the passage of this bill is earnestly sought.



Rep. YEDDA MARIE K. ROMUALDEZ
Representative, Tingog Sinirangan



Rep. JUDE A. ACIDRE
Representative, Tingog Sinirangan

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*Be it enacted by the Senate and the House of the Representatives of the
Philippines in Congress assembled:*

Section 1. *Short Title.* – This Act shall be known as the “*Partnership in Private Basic Education Act.*”

Section 2. *Declaration of Policy.* – It is the declared policy of the State in conformity with the mandate of the Constitution, to promote and make quality education accessible to all Filipino citizens. The State also hereby recognizes the complementary roles of public and private educational institutions in the educational system and the invaluable contribution made by private schools in the education of young Filipinos.

For these purposes, in furtherance of its responsibility to provide education for all, the State shall provide the mechanisms to improve quality in private education by strengthening the role of private education in the Philippines, institutionalizing the partnership between the government and

private educational institutions, and creating such mechanisms to support their institutional development.

Section 3. *Creation of the Partnership in Private Education Board.*

– There is hereby created the Partnership in Private Education Board, attached to the Department of Education, which will have lead mandate to establish policies, priorities, and objectives as well as direct and implement relevant programs and projects in line with the government's comprehensive effort to establish, maintain, and strengthen its partnership with private educational institutions, to the extent permitted by law, guided by the principles of pluralism, non-discrimination, inclusion, impartiality, and neutrality and in line with our constitutional commitments guaranteeing the equal protection of the laws and the free exercise of religion and the prohibiting the establishment of religion.

Section 4. *Composition of the Board.* - The Partnership in Private Education Board, hereafter known as the Board, shall headed by the Secretary of Education as chairperson and composed of the following as members:

- (a) Secretary of Science and Technology;
- (b) Secretary of Budget and Management;
- (c) Director-General of the National Economic and Development Authority;
- (d) Chairman of the Commission on Higher Education;
- (e) Director-General of the Technical Education and Skills Development Authority;
- (f) Two (2) Representatives of a nationwide association of administrators of private basic educational institutions;
- (g) Two (2) Representatives of a nationwide association of teachers employed by private basic educational institutions;
- (h) Representative of a nationwide association of non-teaching personnel employed by private basic educational institutions.

The last three members shall be appointed by the Council upon the recommendation of their respective sectors for a term of one (1) school

year subject to re-appointment for a maximum term of four (4) school years.

Section 5. *Functions.* - The principal functions of the Board are:

- (a) Develop, lead, and coordinate the government's efforts to strengthen the role of private educational institutions, and to expand such role in partnership with the relevant agencies of the national government;
- (b) Ensure the day-to-day administration and program implementation for the programs of assistance to private educational institutions;
- (c) Design and recommend the implementation of appropriate procedures and mechanisms for effective partnerships and coordination with private educational institutions;
- (d) Establish and support partnerships with individual private educational institutions to respond effectively to pressing needs of students and teachers and to provide durable learning solutions to underserved communities;
- (e) Strengthen the capacities of private educational institutions to deliver educational services effectively in partnership with the national government and other private organizations;
- (f) Coordinate information activities designed to mobilize public support for private educational institutions through volunteerism, special projects, demonstration pilots, and public-private partnerships;
- (g) Provide policy and legal education to policymakers and public officials seeking ways to empower private educational institutions and to improve the opportunities, capacity, and expertise of such groups;
- (h) Monitor implementation and the impact of the programs and projects of the national government in partnership with private educational institutions;
- (i) Ensure that the activities, efforts, and performance of private educational institutions meet high standards of excellence and accountability;

- (j) Serve as the lead government agency in determining and ensuring effective coordination, collaboration, and engagement with private educational institutions; and
- (k) Perform such other functions and carry out activities as may be directed by law.

Section 6. Government Assistance to Private Education. – The government, in recognition of their complementary role in the educational system, may provide aid to the programs of private educational institutions in the form of subsidies, grants, or loans from government financial institutions: *Provided*, That such programs meet certain defined educational requirements and standards and contribute to the attainment of national development goals.

Section 7. Partnership Fund for Private Education. – The Partnership Fund for Private Education (PFPE), to be appropriated annually under the General Appropriations Act, is hereby created as a special trust fund for the purpose of financing assistance and partnership programs with private basic educational institutions: *Provided*, That the PFPE shall not be used to fund personal services and other operational expenses of the Board: *Provided, further*, That the balance of the PFPE including the amount appropriated in the GAA which shall form part of the fund shall not revert to the general fund: *Provided*, finally, That the Board shall submit to Congress and the President a semi-annual financial report on the utilization of the PFPE.

The fund shall be suppletory to any annual appropriations allocated by relevant government agencies for education-related programs and projects. The fund shall encourage counterpart funding arrangements among private educational institutions, community organizations, the private sector, and other entities.

The Partnership in Private Education Board shall provide overall strategic guidance in the management and use of the fund, provide for the receiving and processing of projects sought to be financed by the fund; make all decisions on the use of the fund, including final action on individual applications for grants and/or loans; and perform such other acts as may be

necessary proper or conducive to the purposes and objectives of the fund and its programs.

Section 8. *Uses of the Fund.* – The Partnership Fund for Private Education (PFPE) shall be used to support assistance and partnership programs with private basic educational institutions, such as, but not limited to, the following:

- (a) Service contracting payments using a student voucher system;
- (b) Salary subsidy for teachers in private educational institutions;
- (c) Subsidies for loans made from government financial institutions to finance capital investments, including lot acquisition, infrastructure, and equipment;
- (d) Other projects eligible for financing such as continuing faculty development, in-service trainings, purchase of library materials and laboratory equipment, and other institutional development programs.

Section 9. *Criteria for Assistance.* - The Partnership in Private Education Board shall implement assistance and partnership programs with participating private basic educational institutions, based on a set of criteria which shall include, among others, tuition fees charged by the schools, the socio-economic needs of each region, giving priority to the fourth, fifth and sixth class municipalities, the overall performance of the private schools, the academic qualifications, the financial needs of the students, the teachers, and private schools, as well as the geographic spread and size of student population in the locality.

Section 10. *Government Assistance to Students in Private Education.* - A portion of the Partnership Fund for Private Education (PFPE) shall be allocated as tuition fee supplement through a student voucher system for students enrolled in private schools participating in the assistance programs of the Partnership in Private Education Board: *Provided*, that preference shall be given to students whose family income is below poverty threshold income as may be determined by the appropriate government agency; *Provided*,

further, That the family income qualifications may be adjusted depending on the change in the economic circumstance and conditions in the country; *Provided, furthermore*, That the participating school must provide a counterpart of not less than twenty (20) per centum of the tuition fee payment; *Provided, finally*, that the amount of assistance to be given under this section shall not exceed the determined per student cost in a government school.

The Board shall fully pay the subsidized amount to participating schools not later than one hundred eighty (180) days from the close of the enrollment period.

Section 11. Government Assistance to Teachers in Private Education. – A portion of the Partnership Fund for Private Education (PFPE) shall be allocated as government subsidy to teachers employed by private schools participating in the assistance programs of the Partnership in Private Education Board: *Provided*, that the total subsidy to be received by teachers in private basic educational institutions must not be more than thirty (30) per centum of the salary of a counterpart in the public sector; *Provided, further*, That the amount of monthly subsidy shall not exceed the amount of any monthly salary increase that teachers in government schools shall after the effectivity of this Act hereinafter receive: *Provided, further*, That teachers in private basic educational institutions qualified to receive subsidy under this Act are duly licensed by the Professional Regulation Commission: *Provided, further*, That the government shall provide them with a voucher for the salary subsidy which shall be reimbursed directly to the teachers within sixty (60) days after the close of the school year upon submission of proof of qualification and actual teaching service in a participating private high school: *Provided, further*, That the present allocation out of increases from tuition and other income shall be maintained: *Provided, finally*, That in case of insufficiency of funds, priority shall be given to married teachers supporting a family.

Section 12. Loan Assistance for School Infrastructure and Capital Investments. – The Social Security System and other government financial institutions, except the Bangko Sentral ng Pilipinas (BSP) shall, any provision

in their respective charters to the contrary notwithstanding, provide preferential financial packages for private basic educational institutions to fund capital investments, including lot acquisition, construction of school infrastructure and purchase of learning equipment, as well as improvement of existing facilities. In consultation with the Board and the BSP, they shall, within thirty days from the effectivity of this Act, issue and promulgate the necessary implementing guidelines.

Section 13. *Continuing Professional Development.* – A portion of the Partnership Fund for Private Education (PFPE) shall be allocated to provide for scholarships for graduate degree, degree and non-degree programs, workshops or seminars for faculty members in private educational institutions or for in-service trainings to upgrade knowledge and teaching competencies in critical subject areas and for the modernization of teaching techniques and strategies: *Provided*, That such assistance shall be available only to qualified licensed teachers in participating private basic educational institutions; *Provided, further*, That faculty member recipients of such scholarships shall serve as many number of years return service for every year of scholarship availed of as may be determined by the Board in conformity with prevailing National Economic and Development Authority (NEDA) policies on return service of government scholars; *Provided, finally*, That the scholarship shall be in priority courses as determined by the TESDA and the CHED and cannot be awarded to promote or inhibit sectarian purposes.

Section 14. *Appropriations.* – The amount necessary for the creation of the Board and the initial implementation of this Act shall be taken from the current fiscal year's unexpended and unobligated appropriations of the Department of Education. Thereafter, the amounts necessary for the implementation of this Act shall be provided for in the annual General Appropriations Act.

Other sources of funds such as grants, donations, and other forms of assistance from local and foreign donor agencies, other public or private entities, and other private domestic and international sources may be tapped and facilitated by the Board to support the program, subject to regular auditing

guidelines and procedures: *Provided*, That in case of donations from foreign sources, acceptance thereof shall be subject to existing government rules and regulations.

Section 15. *Penalties.* – In case of any violation of the provisions of this Act or the Rules and Regulations promulgated pursuant thereto by the Department of Education, upon the recommendation of the Board, may bar the institution from participating in or benefiting from the programs of this Act, and from other programs of the Department, without prejudice to administrative and criminal charges that may be filed against the school and/or its responsible officers under existing laws.

Any school who shall refuse to furnish copies of their audited financial statements to concerned sectors with whom they are having consultations prior to tuition fee increases, shall forfeit the right to increase their tuition fees, in addition to other penalties or sanctions as may be imposed under the preceding paragraph or by existing laws.

Section 16. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Oversight Committee to oversee, monitor and evaluate the implementation of this Act.

The Oversight Committee shall be composed of five (5) members each from the Senate and from the House of Representatives, which shall include the following: Chairperson of the Senate Committee on Education; Chairperson of the House Committee on Basic Education; Chairperson of the Senate Committee on Finance; Chairperson of the House Committee on Appropriations; and three (3) members each to be chosen from the membership of the Senate Committee on Education, and the House Committee on Basic Education by the Senate President and the House Speaker, respectively, with at least one member each from the minority in the House of Representatives and in the Senate. Funding for the expenses of the Committee shall be taken from the appropriations of both the Senate and the House of Representatives.

Section 17. *Implementing Rules and Regulations.* – The Secretary of Education, in coordination with the Professional Regulation Commission (PRC), and other relevant stakeholders in basic education, shall issue the necessary rules and regulations for the effective implementation of this Act.

Section 18. *Separability Clause.* – Nothing in this Act shall be construed as to diminish, impair, or repeal rights recognized, granted, or made available to disadvantaged, marginalized, or specific sectors under existing laws.

Section 19. *Non-Impairment Clause.* – If any part or provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

Section 20. *Repealing Clause.* - All laws, decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

Section 21. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,